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OFFICE OF PETITIONS
427.057-1**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: :
 CHABRIER DE LASSAUNIERE et al : Examiner: R. Gerstl
 Serial No.: 10/681,002 :
 Filed: October 8, 2003 : Group: 1626
 For: PRODUCTION...MEDICAMENTS :
 Hedman and Costigan
 1185 Avenue of the Americas
 New York, NY 10036
 December 19, 2007

PETITION TO WITHDRAW FROM ISSUE

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Commissioner of Patents and Trademarks to withdraw the above application from issue under 37 CFR 1.313 and accept the express abandonment filed herewith and PTO Form 2038 for \$130 for the 37 CFR 1.17(h) fee.

The in-house patent agent in charge of the application left the assignee of the application and upon the replacement patent agent's review of the claims, it was ascertained that the allowed claims should not have been allowed. A telefax was sent to the United States Attorney handling the application with instructions not to pay the issue fee due by November 16, 2007 but unfortunately, the fee had been paid on November 13, 2007 because the attorney's assistant would not be in application after that date until November 19, 2007.

12/20/2007 CKHLOK 00000003 10681002

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130.00 OP

Therefore, granting of the petition is requested.

Respectfully submitted,

Charles A. Muserlian
Charles A. Muserlian #19,683
Attorney for Applicants
Tel. 212 302 8989

CAM:mlp
Enclosures

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and
Trademark Office on the date shown below.

Charles A. Muserlian
Charles A. Muserlian #19,683

12-9-07

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MANUAL OF PATENT EXAMINING PROCEDURE

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PTO/SB/24 (04-04)
Approved for use through 07/31/2006. GMS 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

EXPRESS ABANDONMENT UNDER 37 CFR 1.138	Application Number	10/681,002
	Filing Date	October 8, 2003
	First Named Inventor	Chabrier de Lassauniere
	Art Unit	1626
	Examiner Name	R. Cerstl
Attorney Docket Number		427,057.1

Send completed form to: Mail Stop Express Abandonment
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Please check only one of boxes 1 or 2 below:

(If no box is checked, this paper will be treated as a request for express abandonment as of the filing date of this paper.)

1. ☒ **Express Abandonment**
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. ☐ **Express Abandonment in Favor of a Continuing Application**
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, PLEASE USE FORM PTO/SB/24A INSTEAD OF THIS FORM.

- I am the: ☐ applicant.
☐ assignee of record of the entire interest. See 37 CFR 3.71.
☒ attorney or agent of record. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
☐ attorney or agent acting under 37 CFR 1.34(a) (may act under 37 CFR 1.34(a) only if box 2 above, stating that the application is expressly abandoned in favor of a continuing application, is checked). Attorney or agent registration number if acting under 37 CFR 1.34(a).

(Attorney or agent registration number)

Charles A. Miserlian
 Signature
Charles A. Miserlian
 Typed or printed name

December 19, 2007
 Date
212 302 8989
 Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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